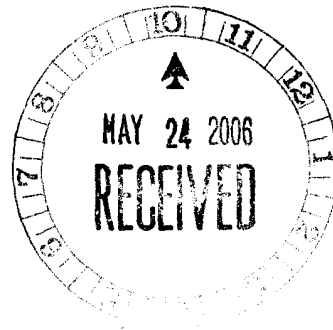


CHARLES H. MONTANGE
ATTORNEY AT LAW
426 NW 162ND STREET
SEATTLE, WASHINGTON 98177
(206) 546-1936
FAX: (206) 546-3739



23 May 2006
EXPRESS SERVICE

Hon. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

2/6 597
ENTERED
Office of Proceedings

MAY 24 2006

Part of
Public Record

Re: City of Jersey City, et al. --
Petition for a Declaratory Order,
F.D. 34818

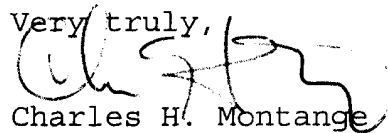
Motion for Leave to file Penn Central Track
Chart

Dear Mr. Williams:

Enclosed for filing please find the original and ten (10) copies of a Motion for Leave to File a Penn Central Track Chart, and the Track Chart, on behalf of City of Jersey City, Rails to Trails Conservancy, the PRR Harsimus Stem Embankment Preservation Coalition, and New Jersey State Assemblyman Manzo. The certificate of service is on the signature page of the motion.

Thank you for your assistance in this filing.

Very truly,


Charles H. Montange
for petitioners
City of Jersey City,
Rails to Trails Conservancy,
Embankment Preservation Coalition,
and NJ State Assemblyman Manzo

Encls. (10 plus original by express)

cc. Robert Jenkins, Esq. for Conrail (w/encls.)
Carmine Alampi, Esq. for SLH Properties (w/encls.)
Fritz Kahn, Esq. for SLH Properties (w/encls.)

BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket No. 34818

City of Jersey City,
Rails to Trails Conservancy,
Pennsylvania Railroad Harsimus Stem
Embankment Preservation Coalition,
and New Jersey State Assemblyman Louis M. Manzo --
Petition for a Declaratory Order

MOTION FOR LEAVE TO FILE
Penn Central Track Chart
on behalf of

PETITIONERS CITY OF JERSEY CITY,
RAILS TO TRAILS CONSERVANCY,
PENNSYLVANIA RAILROAD HARSIMUS STEM
EMBANKMENT PRESERVATION COALITION, and
NEW JERSEY STATE ASSEMBLYMAN LOUIS M. MANZO

ENTERED
Office of Proceedings

MAY 24 2006

Part of
Public Record

Petitioners City of Jersey City, Rails to Trails Conservancy, Embankment Preservation Coalition, and Assemblyman Manzo (hereinafter collectively referred to as "petitioners") hereby move for leave to file the enclosed Penn Central Railroad track chart for the Harsimus Branch, current through 1-1-75. Petitioners' rebuttal statement was due and filed in this proceeding on May 10, 2006.

The enclosed track chart is highly relevant. Petitioners have diligently attempted to locate the enclosed track chart for some months, and despite many efforts, managed to obtain a copy only on May 21, 2006. There is no prejudice flowing from accepting it into the record, in that there are no responsive pleadings due from the other side, and this document is not

being presented as a reply to a reply.

Relevance. As indicated in Petitioners' prior filings,¹ the United States Railroad Association's (USRA's) Final System Plan (FSP) indicates that it relied upon track charts prepared by Penn Central Railroad's Engineering Department for purposes of the designations to Consolidated Rail Corporation (Conrail) of "lines of railroad."² The Penn Central track chart presented herewith is contemporaneous with the FSP, and is thus highly relevant as the best evidence of the track chart upon which USRA relied for purposes of its designation of lines to Conrail. The track chart for line code 1420 corresponds to the relevant deed and is the only mapping for line code 1420 other than the deed.

The Penn Central track chart shows the Harsimus Branch as "line code 1-4-20" from M.P. 1.3 [at approximately (former) Henderson Street] to M.P. 7.0 (past Karny). The Embankment portion of the Harsimus Branch at issue in this proceeding lies between (former) Henderson Street and Waldo, and thus is within the portion charted as M.P. 1.3 to M.P. 7.0. The FSP designated all this property to Conrail as a "line of railroad."³

As shown in the Penn Central track chart index, there was no "Passaic and Harsimus Branch." There was a "Passaic Branch"

¹ E.g., Petitioners' Rebuttal at p. 2; Petitioners' Opening Statement at p. 6.

² Petitioners' Opening Statement, Appendix VIII, FSP p. 241 (track charts "the most useful tool").

³ FSP p. 272. See also id. 241 (line means line of railroad).

(line code 1421), and that chart is also furnished herewith. It overlaps the Harsimus Branch at Karny. The Passaic Branch was also designated to Conrail.⁴

Expeditious. Petitioners have previously presented all relevant track charts available to them to this Board, including track charts for the Harsimus Branch as prepared by the Pennsylvania Railroad and as prepared by Conrail itself. In discovery, neither Conrail nor intervenor (SLH Properties) claimed to possess Penn Central track charts. Petitioners have diligently sought to locate same. When Conrail claimed not to possess the documents, petitioners caused notices to be placed at relevant "railfan" sites on the internet seeking copies. As a result of this process, petitioners have located a former employee (Mr. William Strassner) of the Pennsylvania Railroad (PRR), Penn Central Railroad (PC), and Conrail, who worked in the area and who retained considerable PRR and PC memorabilia, including the relevant track chart for the Penn Central Eastern Region, New Jersey Division, correct to 1-1-75. Petitioners promptly obtained a copy, in person, on Sunday, May 21, along with a statement attesting to the provenance. Counsel for petitioners is making that material available to this Board as quickly as possible.

No prejudice. The document in question is highly relevant and material, is being furnished as soon as possible, and is not prejudicial to Conrail or to interveners inasmuch as there are

⁴ FSP p. 272.

no further responsive pleadings in this proceeding.

This Board has authority to accept a late-filed exhibit submitted for a justifiable reason,⁵ as non-prejudicial,⁶ and as allowing a fully developed record.⁷

Conclusion

The Penn Central track chart submitted herewith is highly relevant and material. It is contemporaneous with the USRA Final System Plan and thus highly persuasive of the intent at P. 272 of that Plan. Petitioners have diligently pursued this document since becoming aware of the arguments of Conrail and intervenor in connection with the FSP. Since no responsive pleadings are due, there is no prejudice to the other side in accepting the exhibit into the record. Moreover, it is not a forbidden reply to a reply. Leave to file the track chart should accordingly be granted.

⁵ E.g., San Pedro Railroad -- Abandonment Exemption -- in Cochise County, AZ -- in the matter of a Request to Set Terms and Conditions, AB 1081X, served April 13, 2006 (late filed request to set terms and conditions due to pending request for clarification about whether OFA covers area where track and ties removed).

⁶ City of Alameda -- Acquisition Exemption -- Alameda Beltline Railroad, STB F.D. 34798, served April 3, 2006, at p.2 n.5.

⁷ National Solid Wastes Management Association --- Pet. for Dec. Order, STB F.D. 34776, served March 10, 2006, at p. 2 n.7.

Respectfully submitted,



Charles H. Montange
Attorney for petitioners
City of Jersey City,
Rails to Trails Conservancy,
PRR Harsimus Stem Embankment
Preservation Coalition,
and Assemblyman Louis M. Manzo

426 NW 162d St.
Seattle, WA 98177
(206) 546-1936
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Of counsel for
Rails to Trails Conservancy

Andrea Ferster
Rails to Trails Conservancy
1100--17th St., N.W., Tenth Fl.
Washington, D.C. 20036

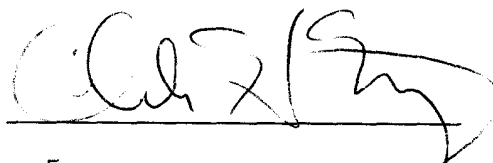
Certificate of Service

I hereby certify service of the foregoing by express delivery (next day) this 23d day of May, 2006, upon the following counsel of record in this proceeding:

Robert Jenkins III
Mayer Brown Rowe & Maw
1909 K Street, NW
Washington, D.C. 20006

Carmine R. Alampi
Alampi & De Marrais
1 University Plaza (Suite 404)
Hackensack, NJ 07601

Fritz R. Kahn
1920 N Street, NW (8th Fl)
Washington, D.C. 20036-1601



rrBill

From: "rr*Bill" <rrBill@comcast.net>
To: "rrbill" <rrbill@comcast.net>
Sent: Sunday, May 21, 2006 10:49 AM
Subject: ***PC Track Chart dated 1-1-75.

I certify that this is an accurate copy of the Penn Central Railroad Track Chart as shown dated on the cover 1-1-75.

The pages were numbered consecutively by the RR, to insure a complete set was obtained.

One original was created, and all of the distribution was in the form of copies, created by the railroad. This is a copy of the railroad issued copy.

The Line Codes are shown for each page, and also any trackwork that was performed, and the dates of that work offer a duplicate verification.


I was employed by the Pennsylvania RR on June 10, 1965, and worked all over in the New Jersey territory and continued on into the Penn Central merger on 02-01-68, and also worked for Conrail up until 1-1-1983, when NJ Transit split off from Conrail.

I am very familiar with the territory, having worked all tower locations, including KARNY and WALDO, and having toured the many RR areas out of interest.

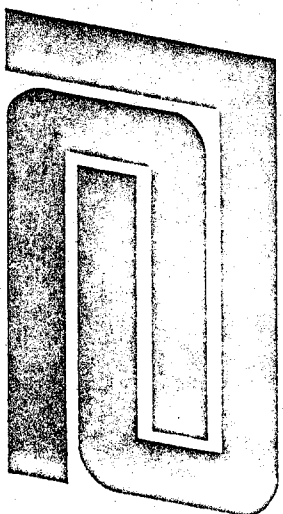
In PRR and PC times, several through freight trains operated in and out of the Harsimus Cove Terminal area, including: TT-3, TT-6, SWC-1, P-5 and MD-18, in addition to transfer runs and local yard drills.

William F. Strassner
PO Box 359
Barnegat, NJ 08005-0359

Thx, Bill*-*


May 21, 2006

05/21/06

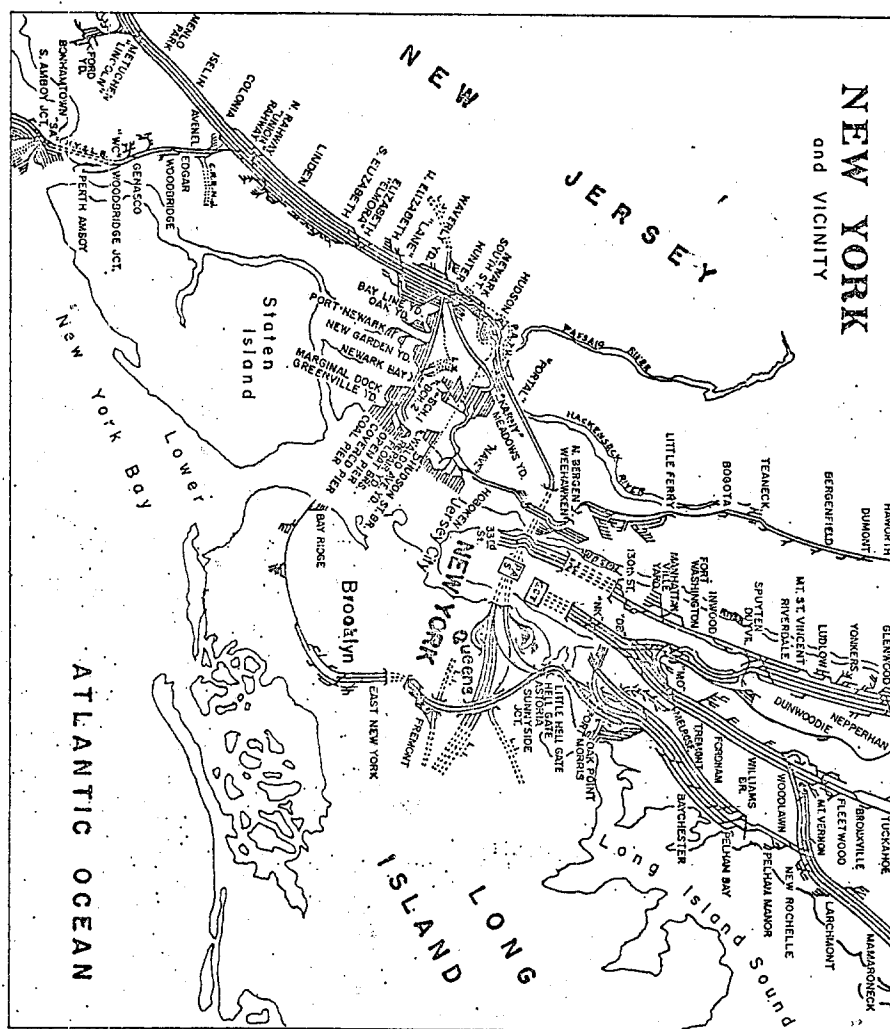


PENNN CENTRAL

**MAINTENANCE PROGRAM
AND
TRACK CHART**

**EASTERN
REGION**

**NEW JERSEY
DIVISION**



TYPICAL CHART

DATE OF CONDITION PRECEDES CODE (If Known) C O N F S

[illegible]

NOTE: On rail weights of over 100 lbs., the number 1 is dropped.

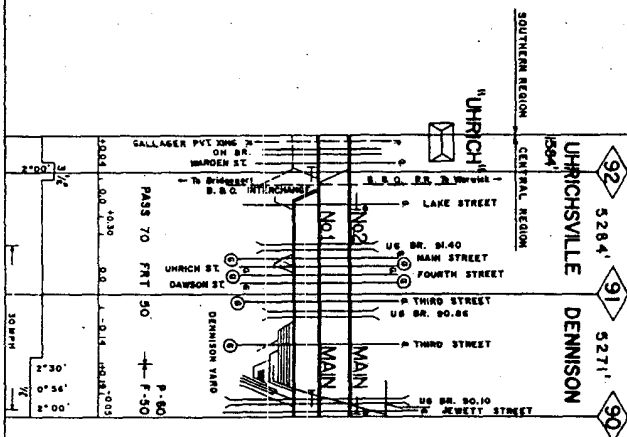
EXAMPLE: 140 lbs. would be written 40.

EXAMPLE: 131 - 1942 would be written 31-42.

MAINTENANCE PROGRAMMED WORK TO BE DONE THIS YEAR IS DESIGNATED
WITH DASHED LINES.

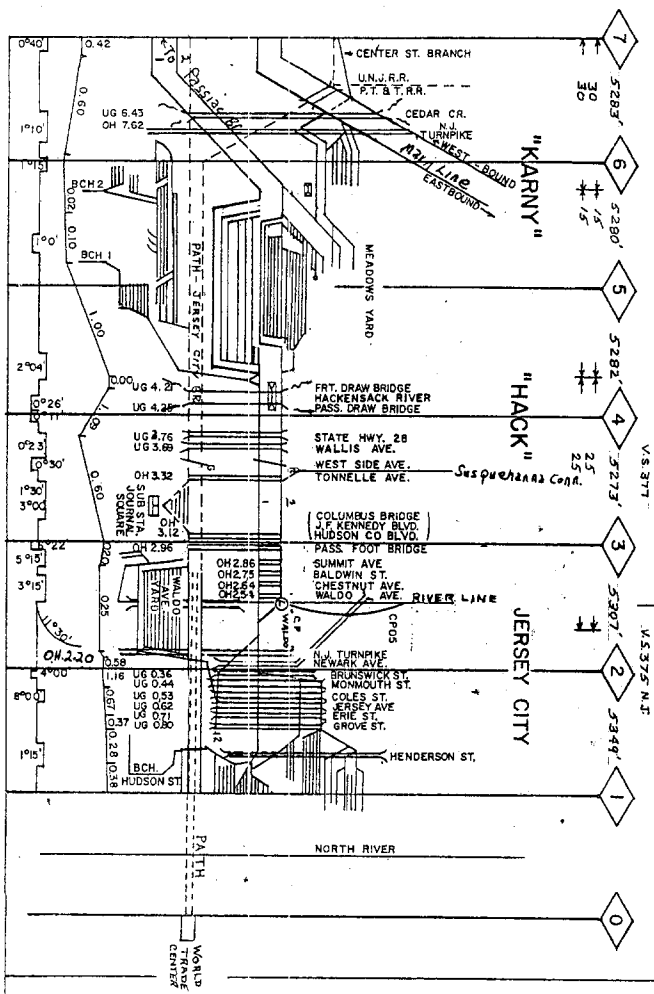
CHART LEGEND

INTERLOCKING TOWER.....	2-2		YARD LIMIT BOARD.....	1-2	
INTERLOCKING.....	1-2		TUNNEL.....	1-1	
BLOCK STATION.....	3-3		OVERHEAD BRIDGE.....	4-4	
BLOCK LIMIT STATION.....	(6) 3-3		UNDERGRADE BRIDGE.....	4-4	
REMOTE CONTROLLED SWITCHES.....	1-2		POSITION LIGHT SIGNAL.....	4-4	
TRAIN ORDER DELIVERY STAFF.....	1-2		DRAWING EQUIPMENT DETECTOR.....	4-4	
PUBLIC ROAD KING (GRADE).....	6		SPRING SWITCHES.....	4-4	
" " With Flashers & Gates.....	6/8		NOT BOX DETECTOR (Pointing direction of traffic).....	4-4	
" " With Walkman.....	6/7		COUNTY & TOWNSHIP LINES.....	4-4	
PRIVATE ROAD KING (GRADE).....	6/7		TELEPHONE (Coach or Box).....	4-4	
			CURVE LUBRICATOR.....	4-4	

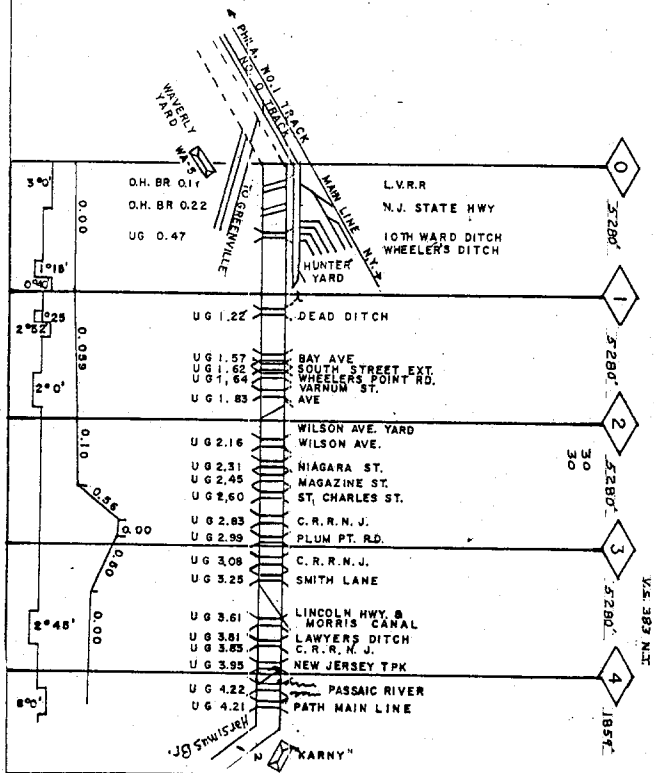


NAME	BETWEEN	M.P. TO M.P.	CODE
MAIN LINE (N.Y. TO BOSTON)	N.Y. (PENN STA.) & HAROLD (L.I.R.R.)	0.0 - 54.5	1411
MAIN LINE (N.Y. TO PHILA.)	N.Y. (PENN STA.) & HOLMESBURG JCT.	0.0 - 76.0	1401
RIVER LINE (CP WALDO TO CP 132)	CP WALDO & WEEHAWKEN	4.5 - 0.0	1412
RIVER LINE (CP WALDO TO CP 132)	WEEHAWKEN & CP 132	0.0 - 132.3	1413
AMBOY SECONDARY	S. AMBOY JCT. & JAMESBURG	0.5 - 13.6	1425
BELVIDERE DELAWARE BRANCH	TRENTON & KENT	0.0 - 49.0	1124
BONHAMPTON BRANCH	METUCHEN & BONHAMPTON	0.1 - 1.7	1433
BORDENTOWN SEC.	TRENTON & BORDENTOWN	0.0 - 6.0	1126
BORDENTOWN SEC.	EDGEWATER PARK & BORDENTOWN	16.0 - 26.8	1125
BRISTOL BRANCH (OLD LINE)	BRISTOL, PA.	0.0 - 2.6	1471
CATSKILL MOUNTAIN BRANCH	KINGSTON POINT & BLOOMVILLE	0.0 - 86.5	1436
CENTER STREET BRANCH	HUDSON & CENTER STREET (HARRISON)	0.0 - 0.9	1431
ENTERPRISE BRANCH	COALPORT YARD, TRENTON, N.J.	0.0 - 4.1	1456
FLORENCE BRANCH	FLORENCE & OLIVE STREET	0.0 - 0.9	1466
FREEMOLD SECONDARY	FARMINGDALE & JAMESBURG	8.4 - 27.1	1427
GREENVILLE BRANCH	WAVERLY (WA-5) & GREENVILLE YARD	0.0 - 5.5	1422
HARRISON BRANCH	HARRISON & HARRISON FREIGHT STATION	0.0 - 1.4	1432
HARRISON E. NEWARK CONN.	HARRISON, N.J.	0.0 - 0.6	1438
HARJIMUS BRANCH	JERSEY CITY & KEARNY	1.3 - 7.0	1420
HIGHTSTOWN SECONDARY	JAMESBURG & HIGHTSTOWN	13.6 - 21.7	1437
HUDSON STREET BRANCH	JERSEY CITY	0.0 - 1.3	1440
JAMESBURG BRANCH	MONMOUTH JCT. (M.L.) & JAMESBURG	0.0 - 5.5	1426
KINGSTON BRANCH	MONMOUTH JCT. (M.L.) & ROCKY HILL	0.0 - 6.3	1429
MARTIN'S CREEK BRANCH	"CP" & MARTIN'S CREEK	0.0 - 0.3	1459
MEADOWS BRANCH - TRACK NO. 1	MEADOWS YARD & FEDERAL SHIP YARD	0.0 - 0.9	1434
MEADOWS BRANCH - TRACK NO. 2	MEADOWS YARD & LINCOLN HIGHWAY	0.2 - 0.8	1434
MILLHAM BRANCH	MILLHAM & COALPORT YARD	0.0 - 2.1	1455
MILLSTONE BRANCH	NEW BRUNSWICK & EAST MILLSTONE	0.2 - 6.6	1428
PASSAIC BRANCH	WAVERLY (WA-5) & KEARNY	0.0 - 4.4	1421
PERTH AMBOY & WOODBRIDGE BR.	RAHWAY (UNION) & WOOD	-0.2 - 5.0	1423
PRINCETON BRANCH	PRINCETON JCT. (M.L.) & PRINCETON	0.0 - 3.0	1424
ROBINSVILLE SECONDARY	BORDENTOWN & WINDSOR	26.8 - 37.9	1125
ROXBURG BRANCH	ROXBURG & P.P. & L. CO.	0.0 - 0.2	1460
SOUTH TRENTON BRANCH	BEL-DEL BR. & BORDENTOWN BR. CONN.	0.0 - 1.0	1457
SUSQUEHANNA CONN. TRACK	JERSEY CITY & CROXTON YD. (E.L.R.R.)	0.0 - 2.0	1441
TRENTON BRANCH	DUNLAP & MORRIS	41.0 - 46.0	1121
* TURNPIKE BRANCH	FLORENCE, N.J.	0.0 - 1.6	1468
WALL KILL VALLEY BRANCH	KINNSION & MONTGOMERY	0.0 - 32.9	1435
WARREN SECONDARY TRACK	KENT & BELVIDERE	49.0 - 65.3	1124
WEST NEWARK BRANCH	HUNTER (M.L.) & TERMINUS	0.0 - 1.7	1439

* No Chart



BRIDGE		SPAN		TOTAL	
NO.	NAME	NO.	NAME	NO.	NAME
001	KARNY	002	HACK	003	...
004	...	005	...	006	...
007	...	008	...	009	...
010	...	011	...	012	...



STATIONING	TRACK	STATIONING	TRACK
0.00	74E	52-41	30-44
0.09	52-48	31-43	52-44
0.10	52	52-44	52-40
0.56	52-26	30-50	
0.80	30-50		
0.00			
2°48'			
8°0'			